

# Chapter 1

## Introduction

### Referral of inquiry and terms of reference

1.1 On 10 October 2012, the Senate referred matters relating to the report of the review of allegations of sexual and other abuse in Defence, conducted by DLA Piper, and the response of the government to the report, to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 March 2013.<sup>1</sup> On 28 February 2013, the Senate granted an extension to the reporting date to 16 May 2013.<sup>2</sup> A further extension was granted by the Senate to 27 June 2013.<sup>3</sup>

1.2 The terms of reference for the inquiry are as follows:

The report of the review of allegations of sexual and other abuse in Defence, conducted by DLA Piper, and the response of the Government to the report, including:

- (a) the accessibility and adequacy of current mechanisms to provide support to victims of sexual and other abuse in Defence;
- (b) whether an alternative expedited and streamlined system for the resolution of disputes relating to the support, rehabilitation, treatment and compensation of victims in Defence be considered and established, and the constitutionality of such an alternative system;
- (c) the effectiveness and timeliness of the Government's processes for assessing, investigating and responding to allegations of sexual or other forms of abuse, including:
  - (i) whether a dedicated victims advocacy service ought to be established,
  - (ii) systemic and cultural issues in reporting and investigating sexual and other forms of abuse, and
  - (iii) whether data and information collection and dissemination of data and information in relation to sexual and other forms of abuse in Defence is adequately maintained and appropriately acted upon and, if not, any alternative mechanisms that could be established; and
- (d) any related matters.

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1 *Journals of the Senate*, 10 October 2012, p. 3106.

2 *Journals of the Senate*, 28 February 2013, p. 3692.

3 *Journals of the Senate*, 15 May 2013, p. 3930.

## Conduct of inquiry

1.3 The committee advertised its inquiry on its website, and in *The Australian*, calling for submissions to be lodged by 22 November 2012. The committee also wrote directly to a range of people and organisations likely to have an interest in matters covered by the terms of reference, drawing their attention to the inquiry and inviting them to make written submissions.

1.4 At the outset of the inquiry, the committee indicated, on its website and in its correspondence, it was not in a position to resolve individual disputes or settle complaints about alleged abuse in Defence. The committee emphasised that its overarching concern in addressing the terms of reference was to develop recommendations for improving the way in which Defence and the Government manage and respond to allegations, such as those raised in the report of the DLA Piper Review. Despite this notification, several submissions received by the committee raised, or focused on, individual complaints or disputes.

1.5 The committee received 25 submissions to the inquiry, some of which were accepted as confidential submissions. Submissions are listed at [Appendix 1](#) and public submissions are available on the committee's website at: [www.aph.gov.au/senate\\_fact](http://www.aph.gov.au/senate_fact).

1.6 On 14 March 2013, the committee held a public hearing for the inquiry at Parliament House in Canberra. A list of the witnesses who appeared at the hearing is at [Appendix 2](#), and the *Hansard* transcript is also available through the committee's website. Additional information, tabled documents and answers to questions on notice received during the inquiry are listed in [Appendix 3](#).

1.7 On 7 June 2013, the committee received a private briefing at Parliament House in Canberra from the Defence Abuse Response Taskforce on its activities.

## Structure of the report

1.8 The committee's report is structured as follows:

- Chapter 2 provides a background to the inquiry and summarises the key features of the DLA Piper Review reports and the government's response;
- Chapter 3 deals with the mechanisms to support victims of alleged abuse in Defence;
- Chapter 4 addresses reparation and compensation issues;
- Chapter 5 deals with the processes for responding to allegations of abuse, including: the need for a dedicated victim's advocacy service; systemic and cultural issues in reporting abuse; and data and information collection concerning abuse;
- Chapter 6 addresses other related issues which were raised during the inquiry; and
- Chapter 7 contains the committee's view and recommendations.

**Acknowledgements**

1.9 The committee thanks all those who contributed to the inquiry by making submissions, providing additional information or appearing at the public hearing to give evidence.

**Note on references**

1.10 References to the committee *Hansard* are to the official *Hansard*. Page numbers may vary between the proof and the official *Hansard* transcript.

